

## LEAVE POLICY AND PROCEDURES FOR STATE EMPLOYEES

## CHAPTER 518

S.B. No. 73

## AN ACT

relating to leave policy and procedures for state employees.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 661, Government Code, is amended by adding Subchapter H to read as follows:

## SUBCHAPTER H. STATE AGENCY LEAVE POLICY

Sec. 661.251. *DEFINITION. In this subchapter, "state agency" has the meaning assigned by Section 661.001.*

Sec. 661.252. *AGENCY POLICY. (a) A state agency shall adopt a policy governing leave for employees under this chapter.*

*(b) The policy must provide clear and objective guidelines to establish under what circumstances an employee of the agency may be entitled to or granted each type of leave provided by this chapter.*

*(c) The state agency shall post the policy adopted under this section on the agency's Internet website in a location easily accessible by the agency's employees and the public.*

SECTION 2. Section 661.902, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

*(b) The administrative head of an agency may determine that a reason other than a reason [that] described by Subsection (a) is sufficient for granting emergency leave. Subject to the provisions of this subsection and except as provided by Subsection (c), the administrative head [and] shall grant an emergency leave to an employee if the employee requests the leave and [who] the administrative head determines that the employee has shown good cause for taking emergency leave. The administrative head may not grant an emergency leave to an employee under this subsection unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave.*

*(c) An employee is not required to request an emergency leave if the administrative head of the employing agency grants the emergency leave under Subsection (b) because the agency is closed due to weather conditions or in observance of a holiday.*

*(d) Not later than October 1 of each year, the administrative head of an agency shall report to the comptroller the name and position of each employee of the agency who was granted more than 32 hours of emergency leave during the previous state fiscal year, the reason for which the employee was granted the emergency leave, and the total number of hours of emergency leave granted to the employee in that state fiscal year.*

SECTION 3. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. *LEAVE DURING AGENCY INVESTIGATION. (a) The administrative head of an agency may grant leave without a deduction in salary to a state employee who is:*

*(1) the subject of an investigation being conducted by the agency; or*

*(2) a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.*

*(b) A state employee who is the subject of an investigation being conducted by the employing agency is ineligible to receive leave for that reason under any other provision of this subchapter.*

*(c) Not later than the last day of each quarter of a state fiscal year, an agency shall*

*submit a report to the state auditor's office and the Legislative Budget Board that includes the name of each agency employee described by Subsection (a)(1) who has been granted 168 hours or more of leave under this section during that fiscal quarter. The report must include, for each employee, a brief statement as to the reason the employee remains on leave.*

SECTION 4. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.924 to read as follows:

*Sec. 661.924. MEDICAL AND MENTAL HEALTH CARE LEAVE FOR CERTAIN VETERANS. (a) This section applies to a state employee who is:*

*(1) a veteran, as defined by Section 434.023(a); and*

*(2) eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs.*

*(b) A state employee described by Subsection (a) may be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation.*

*(c) Except as provided by Subsection (d), leave granted under Subsection (b) may not exceed 15 days each fiscal year.*

*(d) The administrative head of a state agency may annually grant additional days of leave described by Subsection (b) as the administrative head determines appropriate for the employee.*

SECTION 5. Subchapter C, Chapter 2101, Government Code, is amended by adding Section 2101.042 to read as follows:

*Sec. 2101.042. LEAVE REPORTING. (a) As part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project developed under Sections 2101.031, 2101.035, and 2101.036, the comptroller shall adopt a uniform system for use by each state agency to which Section 2101.036 applies under Subsection (d) of that section for the reporting of leave taken by the agency's employees. The system adopted by the comptroller must include standardized accounting codes for each type of leave authorized under Chapter 661.*

*(b) A state agency to which Subsection (a) applies shall use the uniform system adopted by the comptroller under this section.*

SECTION 6. Section 661.902(b), Government Code, as amended by this Act, and Section 661.923, Government Code, as added by this Act, apply only to a grant of leave made on or after the effective date of this Act. A grant of leave made before the effective date of this Act is governed by the law in effect on the date the leave was granted, and the former law is continued in effect for that purpose.

SECTION 7. The first report required under Section 661.902(c), Government Code, as added by this Act, is due October 1, 2017, and must cover the period from September 1, 2016, to August 31, 2017.

SECTION 8. This Act takes effect September 1, 2017.

Passed the Senate on April 3, 2017: Yeas 31, Nays 0; the Senate concurred in House amendments on May 26, 2017: Yeas 31, Nays 0; passed the House, with amendments, on May 22, 2017: Yeas 146, Nays 0, one present not voting.

Approved June 9, 2017.

Effective September 1, 2017.